

From: Dozier, Wesley
To: "Elana.NightingaleDawson@lw.com"
Cc: OpenAICopyright@mofo.com; KVPOAI@keker.com; openaicopyrightlitigation.lwteam@lw.com
Subject: RE: [EXT] Authors Guild v. OpenAI - follow up on meet and confer
Date: Sunday, August 18, 2024 10:55:35 AM

Elana,

Plaintiffs have been working diligently to come to a reasonable and proportional set of search terms for the Authors Guild, given that the terms applicable to the other plaintiffs are overbroad as applied to the AG, yielding approximately 37,000 unique emails that hit on at least one of search terms applied.

As such, we intend to modify Plaintiffs' search terms as applied to the AG to the following:

Original Terms	Modified Terms
"Class Representative"	Same
"class rep**"	Same
Generative	"generative" w/10 "artificial intelligence"
OpenAI or "Open AI"	(OpenAI or Open AI) w/10 of licens* (OpenAI or Open AI) w/10 copyright
ChatGPT*	Chatgpt w/10 of licens* Chatgpt w/10 of copyright
"large language model" or LLM*	"large language model" or LLM*

For the avoidance of doubt, these terms are being searched against AG custodians in addition to the terms related to Mignon Eberhart's Class Works. With these changes, there still remain approximately 13,000 emails. While we believe significant further modifications are warranted, we can agree to these if we have quick agreement as a compromise only.

The charts below demonstrates the high hit counts produced by the search terms applied to the AG custodians:

Keyword	Metric	kamerB1 (Email)	MrasenbergerB1 (Email)	ralbuB1 (Email)	riurillB1 (Email)	slongB1 (Email)	UkazB1 (Email)	Total
"Class Representative"	Docs	37	296	82	6	18	78	517
"class rep**"	Docs	203	734	189	38	183	331	1,678
Generative	Docs	1,469	8,083	2,228	1,714	2,639	5,180	21,313
OpenAI or OAI or "Open AI"	Docs	1,333	6,914	2,715	1,149	2,496	3,900	18,507
ChatGPT*	Docs	753	4,905	1,241	946	1,750	2,650	12,245
"large language model" or LLM*	Docs	663	2,520	776	377	709	1,661	6,706
Search 1A TOTAL:	Docs	2,642	14,454	4,264	2,599	4,973	8,589	37,521

Keyword	Metric	DPrestonB2 (Email)	PresidentB2 (Email)	Total
"Class Representative"	Docs	0	0	0
	MB	0	0	0
"class rep**"	Docs	0	0	0
	MB	0	0	0
Generative	Docs	5	37	42
	MB	0	1	1
OpenAI or OAI or "Open AI"	Docs	0	112	112
	MB	0	3	3
ChatGPT*	Docs	92	107	199
	MB	6	4	10
"large language model" or LLM*	Docs	0	0	0
	MB	0	0	0
Search 1A TOTAL:	Docs	93	142	235
	MB	6	4	10

The chart below demonstrates the reduction in the hit count when the modified terms are applied:

Keyword	Metric	kamerB1 (Email)	MrasenbergerB1 (Email)	PresidentB2 (Email)	ralbuB1 (Email)	riurillB1 (Email)	slongB1 (Email)	UkazB1 (Email)	Total
"generative" w/10 "artificial intelligence"	Docs	335	1,329	2	151	164	257	926	3,164
(OpenAI or Open AI) w/10 of licens*	Docs	204	528	0	109	29	80	922	1,272
(OpenAI or Open AI) w/10 copyright	Docs	359	1,412	1	687	271	457	808	3,995
Chatgpt w/10 of licens*	Docs	71	154	0	12	7	15	107	366
Chatgpt w/10 of copyright	Docs	143	530	0	167	112	166	380	1,498
class representative	Docs	37	297	0	82	6	18	78	518
class rep	Docs	86	127	0	23	2	15	117	370
large language model or LLM*	Docs	666	2,539	0	780	378	716	1,666	6,745
Search 8 TOTAL:	Docs	1,160	4,964	3	1,444	757	1,366	3,196	12,890

Please let us know if you have any questions.

Best,
Wesley Dozier

From: Elana.NightingaleDawson at lw.com (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Friday, August 16, 2024 3:13 PM
To: Dozier, Wesley <wdozier@lchb.com>
Cc: Alter-AI-TT@simplelists.susmangodfrey.com; OpenAICopyright@mofo.com; KVPOAI@keker.com; openaicopyrightlitigation.lwteam@lw.com
Subject: RE: [EXT] Authors Guild v. OpenAI - follow up on meet and confer

Wesley,

Over a week ago, you said you would be providing "Authors Guild-specific search terms" by the end of last week. It is not clear to me to what you were referring; please clarify what you meant and confirm whether you sent the information last week, as promised.

Thank you.
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Dozier, Wesley <wdozier@lchb.com>

Sent: Wednesday, August 7, 2024 12:10 PM

To: Nightingale Dawson, Elana (DC) <Elana.NightingaleDawson@lw.com>

Cc: 'Alter-AI-TT@simplelists.susmangodfrey.com' <Alter-AI-TT@simplelists.susmangodfrey.com>; 'OpenAICopyright' <OpenAICopyright@mofo.com>; 'KVPOAI@keker.com' <KVPOAI@keker.com>; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>

Subject: RE: [EXT] Authors Guild v. OpenAI - follow up on meet and confer

Correcting a typo in my original email:

Hi Elana—

I am responding to your email below.

Subject to reaching agreement on search terms, and in particular on adjusting downward the terms and/or altering them to add sensible modifiers, we would agree to add an additional custodian: "presidents@authorsguild.org." As of approximately 2024, this email has been used by the organization to send messages from the president and receive messages. The hit counts are likely duplicative of the multiple other custodians. Nonetheless, we are willing to add this custodian for completeness and a show of good faith.

To clarify the other points on the call:

1. Maya Lang did not have an AG address.
2. The president prior to Ms. Lang, Doug Preston, had an email address, but none of the search terms to which we agree have hits, which comports with our understanding there is no relevant material here.
3. The AG has not sent any emails from the presidents@authorsguild.org account on behalf of the interim president.

As explained earlier, no other non-staff Authors Guild title holder (i.e., President, Vice President, Secretary, etc.) has an @authorsguild.org email address.

We will also send proposed Authors Guild-specific search terms by the end of the week.

Best,
Wesley Dozier

From: Dozier, Wesley

Sent: Wednesday, August 7, 2024 9:31 AM

To: Dozier, Wesley <wdozier@lchb.com>; 'Elana.NightingaleDawson@lw.com' <Elana.NightingaleDawson@lw.com>

Cc: Alter-AI-TT@simplelists.susmangodfrey.com; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com; openaicopyrightlitigation.lwteam@lw.com

Subject: RE: [EXT] Authors Guild v. OpenAI - follow up on meet and confer

Resending with the correct address for the LW team.

From: Alter-AI-TT@simplelists.susmangodfrey.com <Alter-AI-TT@simplelists.susmangodfrey.com> **On Behalf Of** Dozier, Wesley

Sent: Wednesday, August 7, 2024 9:29 AM

To: 'Elana.NightingaleDawson@lw.com' <Elana.NightingaleDawson@lw.com>

Cc: Alter-AI-TT@simplelists.susmangodfrey.com; OpenAICopyright <OpenAICopyright@mofo.com>; opaicopyrightlitigation.lwteam@lw.com; KVPOAI@keker.com

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2. The president prior to Ms. Lang, Doug Preston, had an email address, but none of the search terms to which we agree have hits, which comports with our understanding there is no relevant material here.
3. The AG has not sent any emails from the presidents@authorsguild.org account from the interim president, an AG president would have his or her own address.

As explained earlier, no other non-staff Authors Guild title holder (i.e., President, Vice President, Secretary, etc.) has an @authorsguild.org email address.

We will also send proposed Authors Guild-specific search terms by the end of the week.